

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	No. 3:05cr0062 AS
)	
DONALD J. ALFORD)	
*****)	
DONALD J. ALFORD,)	
)	
Petitioner)	
)	
v.)	No. 3:07cv0023 AS
)	
UNITED STATES OF AMERICA,)	
)	
Respondent)	

MEMORANDUM, OPINION AND ORDER

This court takes judicial notice of the record in this case which at this writing has approximately 69 items. This defendant had the services of a first-class criminal defense lawyer in the person of David B. Weisman who has not had any responsibilities in this case since March 17, 2006. Thus, Donald J. Alford is now appearing pro se in an attempt to proceed under 28 U.S.C. §2255. It should be noted especially the proceedings of March 17, 2006 regarding the imposition of sentence and the dismissing of other counts. The memorandum filed by the United States Attorney on March 30, 2007 correctly outlines the procedural history of this case.

Once again, we are dealing with the well-known and almost routine waiver of the right to appeal and the right to file proceedings under 28 U.S.C. §2255. This court went

through that waiver proceeding carefully in its proceedings on October 27, 2005. Indeed, the Court of Appeals of this circuit has dealt with this species of waiver in such cases as *Jones v. United States*, 167 F.3d 1142 (7th Cir. 1999), as well as more recently in *Roberts v. United States*, 429 F.3d 723 (7th Cir. 2005). Even aside from the waiver which really ends this matter, there remains a question of whether the claim made by this pro se petitioner/defendant is cognizable under 28 U.S.C. §2255. The answer seems to be in the negative under the cases cited by the Assistant United States Attorney, including *Orville v. United States*, 16 F.3d 1225, n. 2 (7th Cir. 1994), and *Scott v. United States*, 997 F.2d 340 (7th Cir. 1993).

For these various reasons, the relief requested in this pro se petition under 28 U.S.C. §2255 is now **DENIED. IT IS SO ORDERED.**

DATED: April 9, 2007

S/ ALLEN SHARP
ALLEN SHARP, JUDGE
UNITED STATES DISTRICT COURT